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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,269	06/12/2001	Pascal Agin	Q64839	2987
23373	7590	10/31/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PHUNKULH, BOB A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,269

Applicant(s)

AGIN, PASCAL

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-44, 49-54 is/are allowed.
- 6) ☒ Claim(s) 45-48, 55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's 09/02/2005 amendment(s)/response(s) in the application of **AGIN** for "**METHOD OF CONTROLLING TRANSMISSION POWER IN A MOBILE RADIO SYSTEM**" filed 06/12/2001. The amendments/response to the claims have been entered. Claims 1-25 have been canceled. Claims 26-56 have been added. Claims 26-56 are now pending.

Request for Continued Examination

The request filed on 9/02/2005 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/878,269 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 32-62 been renumbered 26-56.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 45 (formerly 51) recites the limitation "said transmission power control algorithm" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 47 (formerly 53) and claim 56 (formerly 62) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 47 (formerly 53), it is not clear what it meant by "applying an anticipated variation of the offset of the transmission power of the control channel relative to the transmission power of the data channel that corresponds to the opposite of said approximate value of the target value variation" as cited in the claim.

Regarding claim 56 (formerly 62), it is not clear what it meant by "for the second one of two consecutive compressed frames in the case where a transmission gap begins in the first one of said two frames and finishes in the second one of said two frames, or for a frame following a compressed frame otherwise" as cited in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 45-48, 55-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. (US 6,754,505), hereinafter Baker.

Regarding claim 45, Baker discloses a mobile station wherein said transmission power control algorithm simultaneously controls the transmission power of at least two channels, including a data channel and a control channel (see col. 1 line 57 to col. 2 line 2), as a function of transmission quality target value, with the transmission power of said control channel offset relative to the transmission power of said data channel, said mobile station comprising:

means for applying, in the event of target value variation, anticipated variations (see col. 4 lines 53-67, col. 5 lines 1-7) of at least one of the transmission power of the data channel, the transmission power of the control channel and the offset of the transmission power of the control channel relative to the transmission power of the data channel, to obtain an anticipated variation of the data channel transmission power (see col. 1 line 57 to col. 2 line 2 and col. 2 lines 43-51).

Regarding claim 46, Baker discloses the mobile station further comprising means such that in the event of target value variation *the* anticipated variations cause the signal transmitted on the control channel to have the same power before and after *the* target variation and over the same reference period (see col. 3 lines 8-27).

Regarding claim 47, Baker discloses the mobile station further comprising means for applying an anticipated variation of the offset of the transmission power of the

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control channel relative to the transmission power of the data channel that corresponds to the opposite of *the* approximate value of the target value variation (see col. 1 line 57 to col. 2 line 2 and col. 2 lines 43-51).

Regarding claim 48, Baker discloses a mobile station comprising means for applying an anticipated variation of the transmission power of *the* data channel and the transmission power of *the* control channel that corresponds to *the* approximate value of the target value variation (see col. 5 lines 8-27).

Regarding claim 55, Baker discloses a base station (primary station), comprising:

means for controlling a downlink transmission power as a function of a transmission quality target value,

means for using parameters signaled to *the* base station for the uplink, to determine a target value variation applied in compressed mode, and

means for applying a power offset to *the* downlink transmission power, corresponding to the thus determined target value variation (see col. 1 lines 57 to col. 2 line 2; and col. 2 lines 43-51).

Regarding claim 56, Baker discloses parameters signaled to *the* base station for the uplink include: a parameter for a compressed frame, and a parameter for the second one of two consecutive compressed frames in the case where a transmission

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gap begins in the first one of *the* two frames and finishes in the second one of *the* two frames, or for a frame following a compressed frame otherwise (see col. 5 lines 8-14).

Allowable Subject Matter

Claims 26-44, 49-54 are allowed.

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

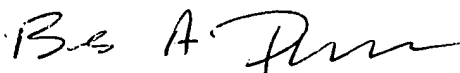
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bob A. Phunkulh
Primary Examiner
TC 2600
Art Unit 2661
October 31, 2005